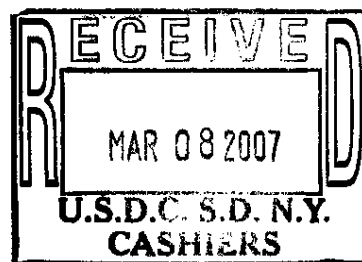


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JUDGE SWAIN

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 JACQUELINE E. KING, :
 :
 Plaintiff, :
 :
 v. :
 :
 RALPH O. ESMERIAN, :
 :
 Defendant. :
 -----X

07 CV 2003
 Case No.
 ECF CASE
COMPLAINT

Plaintiff Jacqueline E. King ("Jacqueline King" or "Plaintiff"), by her attorneys, Carter Ledyard & Milburn LLP, for her Complaint against Ralph O. Esmerian ("Ralph Esmerian" or "Defendant"), alleges as follows:

INTRODUCTION

1. This action is for \$2,610,290 (plus interest) owed to Jacqueline King by Defendant Ralph Esmerian. The debt obligation is evidenced by an instrument signed by Defendant and dated December 15, 2004. Such debt was incurred by Defendant, acknowledged by Defendant, and has not yet been paid by Defendant.

PARTIES

2. Plaintiff Jacqueline King is an individual residing at 257 Franklin Avenue, Wyckoff, New Jersey. She is the sister of Defendant Ralph Esmerian.

3. Defendant Ralph Esmerian is an individual residing at 1001 Park Avenue, New York, New York. He is the brother of Plaintiff Jacqueline King.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332(a)(1) as the parties are citizens of different states and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a) as Defendant resides in the Southern District of New York.

BACKGROUND

6. In 2004, Defendant Ralph Esmerian affirmed his obligation to pay his sister, Jacqueline King, the sum of \$2,610,290 in connection with a debt previously incurred. Defendant executed a written and signed instrument on his letterhead, dated December 15, 2004, acknowledging and declaring his debt to Plaintiff (the "Debt Instrument"). (A copy of this instrument is annexed hereto as Exhibit A.) It states: "I owe my sister, Jacqueline E. King \$2,610,290."

7. Since that time, however, Defendant has not paid his debt to Plaintiff, despite demands to do so. Defendant Ralph Esmerian has, however, personally and through his counsel, verbally acknowledged this debt to Plaintiff.

COUNT ONE

8. The allegations contained in paragraphs 1 through 7 are incorporated herein.

9. Defendant Ralph Esmerian owes Plaintiff Jacqueline King the sum of \$2,610,290, plus interest. The Debt Instrument, signed and dated by Defendant, constitutes an acknowledgement and admission of indebtedness to Plaintiff, and is enforceable.

10. Defendant Ralph Esmerian has verbally acknowledged this debt but Defendant has not yet paid this debt to Plaintiff, despite repeated demands.

11. Defendant owes Plaintiff \$2,610,290, plus interest.

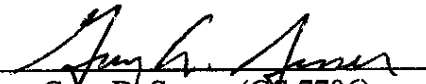
WHEREFORE, Plaintiff seeks judgment,

1) for compensatory damages in an amount not less than \$2,610,290, plus interest;

2) for costs, attorneys' fees, interest, and such other relief as this court may deem just and proper.

Dated: March 8, 2007
New York, New York

CARTER LEDYARD & MILBURN LLP

By 

Gary D. Sesser (GS 7706)

Michael I. Frankel (MF 7628)

Matthew D. Dunn (MD 2184)

Two Wall Street

New York, NY 10005

212-732-3200

Attorneys for Plaintiff Jacqueline E. King

EXHIBIT A

RALPH O. ESMERIAN

December 15, 2009

I owe my sister, Joanne E. King
\$2,610,290.

Ralph O. Esmerian